

EXHIBIT

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN) ECF Case

DECLARATION OF BRANDON J. SMITH

I, Brandon J. Smith, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached herein as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, I was present in New York City when the terrorist attacks of the World Trade Center Towers occurred. At the time of these horrific attacks, I was the Vice President of Connell Finance Company, located in Berkeley Heights, New Jersey.

4. On the morning of 9/11, I traveled to the World Trade Center by way of the PATH rapid transit system as I planned to attend a 10:00 a.m. meeting located at 40 Wall Street. I arrived at the World Trade Center at approximately 8:35a.m. As I exited through the lobby of the North Tower, the first passenger jet (American Airlines Flight 11) struck the upper section of the building. A security guard who saw the explosion in the North Tower yelled for everyone in the vicinity to

retreat to the inside of the building. I quickly went back inside the lobby of the North Tower through the first set of revolving doors.

5. When I reached the vestibule at the entrance to the North Tower lobby, I ran into an incredible ball of fire and jet fuel that had exploded out of one of the North Tower's elevator shafts. I tried to exit the area, but the extreme heat from the flames caused the revolving doors to seize, and I became trapped inside. I suffered third degree burns to my hands, my left arm, and both of my ears.

6. After several attempts and with my flesh burning away from my body, I forced my way through the revolving doors of the North Tower and I escaped onto the street. At that point, I felt and heard the explosion as the second passenger jet, United Airlines Flight 175, struck the South Tower.

7. I wandered on the street near the World Trade Center Towers for several minutes as I was in shock related to my devastating burn injuries and the horrors I had witnessed. I then found an ambulance which transported me to St. Vincent's Hospital.

8. As St. Vincent's Hospital did not possess the necessary medical equipment and staff to treat burn victims, I spent the next twenty-four hours in agony while receiving treatment. On September 12, 2001, I was transferred to the Burn Center's Intensive Care Unit at St. Barnabas Medical Center in Livingston, New Jersey.

9. I spent the next several weeks receiving intensive treatment for my burn injuries at St. Barnabas. I endured two surgical procedures on September 17, 2001, and October 4, 2001, which consisted of skin grafting to repair the third degree burns to my hands, my left arm, and my ears. I wore custom compression garments over much of my body for the next eighteen months following these surgeries.

10. As a result of these terrorist attacks, I suffered the following specific physical injuries on September 11, 2001: second and third degree burns over thirty percent of my body, including third degree burns to my hands, my left arm, and both ears. I also experienced post-traumatic respiratory failure and upper airway edema.

11. I further suffered, and continue to suffer, from severe emotional distress as a result of these terrorist attacks. I suffered and continue to suffer from anxiety and bouts of depression due to these traumatic events almost daily, triggered by certain smells, sounds and views. I have been diagnosed with a major depressive disorder with recurrence, post-traumatic stress disorder, an anxiety disorder, and a panic disorder. The horrific events that I witnessed on 9/11 directly caused all of the above conditions, which continue to this day.

12. I sought and continue to seek medical attention on a monthly basis for my injuries caused by these terrorist attacks. Attached as Exhibit B to this Declaration is a true and correct copy of my select relevant medical records related to the treatment that I received for my physical and emotional injuries following the September 11, 2001 terrorist attacks.

13. I previously pursued a claim through the September 11th Victim Compensation Fund (VCF Number 212-003923) specifically related to my physical injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 31st day of December 2019.



BRANDON J. SMITH

**EXHIBITS
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UNDER SEAL
(ECF No.
5716)**